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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,483	10/17/2003	Fabrice Billarant	CAC.P0033	2195

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EXAMINER	
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ART UNIT	**PAPER NUMBER**
3677	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/688,483	BILLARANT, FABRICE	
	Examiner	Art Unit	
	Ruth C. Rodriguez	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8 and 12-20* is/are pending in the application.

4a) Of the above claim(s) *9-11* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 12-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 9-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Invention II, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 2005.

2. Applicant's election of Invention I in the reply filed on July 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 17 May 2007 has been entered.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 12-14, 16, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Itoh et al. (US 7,108,904 B2).

An article (1,3) over which a molding is to be made by pouring foam on the article while the article is placed on top of a cavity delimited by vertical walls having a top surface (6) (C. 1, L. 28-43and Fig. 1). The article comprises an element (3) having a central strip region and left and right ledge regions (5). The element has a top surface and a bottom surface, hooks (2) extending from the central strip region of the bottom surface, a magnetically attractable material (7) fixed to the element and the element includes a material and a thickness (Fig. 1). The hook strip has a width less than approximately 10 mm (C. 4, L. 2-10 and C. 8, L. 31-39). The bottom surfaces of the ledge regions being in contact with the top surfaces of the vertical walls to provide surface to surface contact between the ledge regions and the vertical walls during the entire foam pour when the article is placed on top of the cavity, with the hooks inside the walls and facing the cavity (Fig. 1).

The hook strip has a width between approximately 3 and 10 mm (C. 4, L. 2-10 and C. 8, L. 31-39).

The element is flat in shape (Fig. 1).

An article (1,3) over which a molding is to be made by pouring foam on the article while the article is placed on top of a cavity delimited by vertical walls having a top

surface (6) (C. 1, L. 28-43 and Fig. 1). The article comprises an element (3) having a central strip region and left and right ledge regions (5). The element has a top surface and a bottom surface, hooks (2) extending from the central strip region of the bottom surface, a magnetically attractable material fixed to the element and the element includes a material and a thickness (Fig. 1). The hook strip has a width less than approximately 10mm (C. 4, L. 2-10 and C. 8, L. 31-39). The bottom surfaces of the ledge regions are in contact with the top surfaces of the vertical walls during the entire formation of the molding to substantially prevent the foam from entering the cavity when the article is placed on top of the cavity with the hooks inside the walls and facing the cavity (Fig 1).

An article (1,3) over which a molding is to be made by pouring foam on it while it is placed on top of a cavity delimited by vertical walls having top surfaces (6) and a magnet (8) disposed in the bottom of the cavity (C. 1, L. 28-43 and Fig. 1). The article (3) comprises an upper surface and a bottom surface and having a central strip region and ledge regions (5) extending laterally from the central region, hooks (2) extending from the bottom surface of the central region, a metallic material (7) being fixed to the article, a material and a thickness (Fig. 1). The bottom surfaces of the ledge regions are in contact with the top surface of the vertical walls during the entire foam pour to provide surface to surface contact between the ledge regions and the vertical walls when the article is placed on top of the cavity with the hooks inside the walls and facing the cavity with the magnet and when foam is poured on the article (C. 1, L. 20-26 and Fig. 1).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-8, 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh in view of Fleuchaus et al. (US 6,842,950 B2).

An article (1,3) over which a molding is to be made by pouring foam on the article while the article is placed on top of a cavity delimited by vertical walls having a top surface (6) (C. 1, L. 28-43 and Fig. 1). The article comprises a base (3) having a central strip region, ledge regions extending laterally from the central strip region, a top surface, a bottom surface, hooks (2) are extending from the central strip region of the bottom surface and metallic material (7) fixed on the bottom surface of the base. The base is flat in shape and includes a material and a thickness (Fig. 1). The hook strip has a width less than approximately 10 mm (C. 4, L. 2-10 and C. 8, L. 31-39). The bottom surfaces of the ledge regions being in contact with the top surfaces of the vertical walls to provide surface to surface contact between the ledge regions and the vertical walls during the entire foam pour when the article is placed on top of the cavity, with the hooks inside the walls and facing the cavity (Fig. 1). Itoh fails to disclose that material is fixed on the bottom surface of the base. However, Fleuchaus teaches an article over which a molding is to be made by pouring foam on it while it is place on top of a cavity (between walls 24) delimited by vertical walls (24) having a top surfaces (Fig. 2). The article

comprises a base (52) having a central strip region a having a top surface and a bottom surface. Hooks (56) are extending from the central strip region of the bottom surface of the base and metallic material (60) is fixed on the bottom surface of the base (Figs. 5-7). The base is flat in shape (Figs. 1-3). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have metallic material being fixed on the bottom surface of the base as taught by Fleuchaus in the article disclosed by Itoh. Doing so, provides a magnetic engagement between the base and the mold. .

Fleuchaus also teaches that the hooks are made in the form of longitudinal rows (Figs. 5-7). The hooks have a Christmas tree shape (Figs. 5-7).

The longitudinal strip (3) disclosed by Itoh comprises hooks stops at a distance from the longitudinal ends of the base, longitudinal end regions (5) thus being formed without hooks over a distance less than 15 mm, to enable the base to be placed at the level of its longitudinal ends directly on the top edges (6) of the walls forming the cavity (C. 4, L. 2-10 and C. 8, L. 31-39).

Itoh discloses that the base has a thickness of between 0.2 mm and 1 mm. Itoh fails to disclose that the base is of polyamide 6 and has a thickness of between 0.2 mm and 0.4 mm or the base has a thickness of 0.15 to 0.35 mm and is of polyamide 6-6. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the base being made of polyamide 6 and having a thickness of between 0.2 mm and 0.4 mm or the base having a thickness of 0.15 to 0.35 mm and being made of polyamide 6-6 since the selection of a known material based upon its

suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). The use of polyamide 6 or polyamide 6-6 for the base of the article is well known in the molding art.

The metallic material disclosed by Ito is embodied in the form of a metallic resin rib fixed by gluing to the top surface of the base the metallic resin rib including two longitudinal reinforcements (7) on either side of the resin-base interface to provide good anchoring of the foam (C. 8, L. 10-13).

Itoh also fails to disclose that the resin rib comprises at least 6 g per linear meter of metallic powder for a total weight of metallic resin of at least 10 g per linear meter. However, it would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have the resin rib comprising at least 6 g per linear meter of metallic powder for a total weight of metallic resin of at least 10 g per linear meter since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Itoh also discloses a molded object of foam to which one or more article for molding over according to claim 1 is fixed by hardening of the foam on the top surface of the base after the foam has been poured in a mould (C. 1, L. 19-26).

A mold disclosed by Itoh includes a base. The base includes a cavity having walls projecting from the base and the top edges of which being adapted to receive an article for molding over (C. 1, L . 19-26 and Fig. 1). The article is fixed to a molded object by solidification of a foam that is poured there over, characterized in that the cavity has two

side walls, spaced apart by a distance between 4.5 and 12 mm (C. 4, L. 2-10, C. 8, L. 31-39 and Fig. 1).

Response to Arguments

8. Applicant's arguments with respect to claims 1-8 and 12-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Oborny et al. (US 2002/0031637 A1) is cited to show state of the art with respect to articles having ledge regions that extend from a central strip region provided with hooks where the ledge regions provide surface to surface contact with top walls of a mold during a molding process for a cushion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

/James R. Brittain/
Primary Examiner
Art Unit 3677

rcr
June 24, 2007